

FILED WITH THE
COURT SECURITY OFFICER
CSO
DATE 1/23/07

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES,

Appellee,

vs.

ZACARIAS MOUSSAOUI

Appellant.

No. 06-4494
Crim No. 01-455-A

**APPELLANT'S CONSENTED MOTION
TO FILE A THIRD SUPPLEMENTAL CLASSIFIED JOINT APPENDIX**

Appellant, Zacarias Moussaoui, by undersigned counsel, respectfully moves this Court pursuant to Local Rule 30(c) to file a Third Supplemental Classified Joint Appendix.¹

In preparing for argument, undersigned counsel has identified additional materials that are necessary for resolution of the claims raised in his appeal. These items were part of the record below, but were not included in the prior joint

¹ Contemporaneously with this Motion, the parties are filing a separate Stipulation and Joint Motion to Supplement the Record and to File a Second Supplemental Classified Joint Appendix. Materials in the Third Supplemental Classified Joint Appendix were docketed in the District Court, while materials in the Second Supplemental Classified Joint Appendix were not.

appendices filed by the parties. Although counsel worked diligently to rely only on those materials previously included in the joint appendices filed by the parties, this task was rendered unusually difficult by the sheer magnitude of the record below, and the comprehensive brief filed by the Government. Therefore, good cause exists under Local Rule 30(c) for the filing of a Third Supplemental Classified Joint Appendix that includes a limited number of items that were part of the record below, but not included in the prior appendices filed by the parties.

Pursuant to Local Rule 27(a), undersigned counsel has informed counsel for the United States, Kevin R. Gingras, about the filing of this Motion. The Government has consented to the relief sought herein.

For the foregoing reasons, Moussaoui respectfully requests that the Court accept the filing of a Third Supplemental Classified Joint Appendix.

Respectfully submitted,

/s/ Justin S. Antonipillai

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Counsel for Zacarias Moussaoui

January 23, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 23, 2009, a copy of the foregoing Stipulation and Joint Motion was served on the Court Security Officer for distribution to the following counsel:

Kevin R. Gingras, Esq.
Appellate Attorney
U.S. Department of Justice
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Appellate Section
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Counsel for the United States

/s/Justin S. Antonipillai
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